

VI. PLANNING PERMISSION

Before any parcel of land is developed, prepared for development, or the use thereof changed, or any structural alteration made to an existing structure, permission shall be obtained from the City of Manitou Springs. Whenever planning permission has been granted for a single family residential lot or group of lots, any subsequent purchasers may develop a single family dwelling without obtaining planning permission, or further recourse to the Planning Commission or City Council, unless a variance is requested.

The conversion of a single family residence to a multifamily residence shall be considered either a minor or major development, depending upon the number of proposed dwelling units, and shall require planning permission.

VI.1 ADMINISTRATIVE REVIEW

Before undertaking any activity defined under Administrative Review the property owner or his agent shall seek Administrative Review approval from the Planning Department. The submittal requirements for Administrative Review are as follows:

- a. A narrative as described in Appendix IV.
- b. A site plan, drawn to scale, with north arrow which illustrates property boundaries and lot lines, adjacent rights-of-way, proposed or existing points of access, setback dimensions and all existing or proposed improvements. In addition information regarding landscaping, lighting, parking and drive aisles, grading, signage, building elevations and a building materials description shall also be provided.

If, in the opinion of the Planning staff, additional, detailed technical studies/data are needed due to the scale, location or impact of the proposed development, Planning staff may require the submission of such additional studies/data.

VI.2 MINOR DEVELOPMENTS PROCEDURE (see Appendix II)

VI.2.a Before undertaking any activity defined as a Minor Development the property owner or his agent shall seek Minor Development approval from the Planning Commission. The submittal requirements for a Minor Development Plan shall consist of the Major Development Plan requirements identified in Section VI.3.c.2 as noted by asterisk (*). If, in the opinion of the Planning staff, additional, detailed technical studies/data are needed due to the scale, location or impact of the proposed development, Planning staff may require the submission of such additional studies/data.

VI.2.b Planning permission shall be requested in writing at well in advance of the Planning Commission meeting and in accordance with the Planning Commission Submittal and Meeting schedule published annually by the Planning Department. Submitted materials are reviewed by the Planning Department for completeness and, if found substantially so, placed on the Planning Commission agenda for public hearing approximately 60 days from the date of submittal. After consideration of staff, professional/technical, agency

and public comment, the Planning Commission will take final action on the request by approving, with or without conditions, by partially approving/denying the request or by denying the request. If the Planning Commission is in need of additional information upon which to make a final decision, it may postpone the request and require that additional information be submitted by the applicant. At least one notice of hearing shall be placed on property or structure at least ten (10) days prior to the Planning Commission meeting at which the property or structure is to be considered.

VI.2.c In the event that permission is denied by the Planning Commission, or conditionally given, and the applicant wishes to appeal the ruling, he may seek relief from the City Council at one of its regularly scheduled meetings, with appropriate notice of the hearing in the local newspaper, and payment of any cost of publication.

VI.2.d Once planning permission is approved, the applicant shall be so notified, in writing, within seven (7) days of approval. The approval must be presented prior to the issuance of a grading or building permit.

VI.2.e DEVELOPMENT STANDARDS (for new developments and new construction)

VI.2.e.1 GENERAL RESIDENTIAL AREAS

In areas designated general residential the following standards apply:

Minimum lot size: 5,000 sq. ft.

Minimum street yard: 15 ft.

Minimum side yard: 7 ½ ft.

Minimum rear yard: 25 ft.

Minimum lot frontage: 50 ft.

Maximum height of principal structure: 25 ft.

Maximum building area coverage of lot by all structures: 50%

The maximum lot size in existing subdivision, where lot(s) in the current filing of the subdivision are being replatted, shall be 150% of the minimum lot size for the zone.

VI.2.e.2 LOW DENSITY RESIDENTIAL AREAS

In areas designated low density residential, the following standards shall apply:

Minimum lot size: 9,000 sq. ft.

Minimum street yard: 25 ft.

Minimum side yard: 10 ft.

Minimum rear yard: 25 ft.

Minimum frontage: 85 ft.

Maximum height of principal structure: 25 ft.

The minimum street yard setback requirement of 25 feet from the property line shall not apply to Crystal Hills Estates Filing Number 3; instead, the minimum street yard setback shall be 15 feet from the property line.

The minimum lot size in existing subdivisions, where lot(s) platted in the current filing of the subdivision (as of the date of the adoption of this ordinance) are being replatted, shall be 80% of the average lot size of the subdivision. In no case shall the minimum lot size of the replatted lot(s) be less than 9,000 square feet. The maximum lot size shall be 120% of the average lot size in the current subdivision.

VI.2.e.3 HILLSIDE LOW DENSITY RESIDENTIAL AREAS

The minimum lot size for the replatted lot(s) shall be either the lot size as determined from Article IV.2.f.3(a) Minimum Lot Size, or 80% of the average lot size in the current filing of the subdivision containing the lot(s) being replatted, whichever is larger.

VI.2.e.4 COMMERCIAL AREAS

In areas designated Commercial planning permission must be obtained under Major Development Procedures (IV.3) prior to any initial construction.

VI.3 MAJOR DEVELOPMENTS PROCEDURE (see Appendix II)

VI.3.a Permission to conduct a major development shall be sought from the City Council, who shall consider the recommendation of the Planning Commission before the issuance for a grading or building permit. Planning permission may be sought concurrently with the approval of the preliminary plat as per the subdivision regulations, as appropriate.

VI.3.b Major developments shall be as defined in Appendix I and categorized as outlined in Article VII.

VI.3.c A Major Development Plan (MDP) shall be required to conduct any of the foregoing major development activities.

1. PURPOSE AND INTENT OF THE MAJOR DEVELOPMENT PLAN. The purpose of the MDP is to provide for successful development that economically benefits the community and is in harmony with the character of the community and its environment. The intent is to ensure that the development is in conformance with the Comprehensive Plan, the Open Space Plan, the Historic Preservation Ordinance and Design Guidelines (as applicable), and the Zoning, Sign and Subdivision Ordinances. The intent of the MDP is to provide for the enhancement of the City's socioeconomic fabric through sensitive site and building design, and to ensure that landscape and hardscape environments are attractive and in balance with the overall bulk and massing of building

architecture. The desire is that successful community design and development will help provide improvements and services to and meet the needs of residents, workers, business owners and visitors alike, and positively influence property values while ensuring compatibility with the community and adjacent uses.

2. COMPONENTS OF THE MAJOR DEVELOPMENT PLAN. The MDP shall be defined as a set of detailed plans and associated information as described in Appendix IV which shall contain the following, less those items waived by staff in writing:

- a. a narrative;*
- b. the following plans and exhibits:
 - 1. a site plan (with a colored site plan for public hearings);*
 - 2. building details;*
 - 3. a phasing plan/schedule for completing the development, if the proposal will be developed over more than one (1) year or more than one (1) phase;*
 - 4. a landscape plan;*
 - 5. a lighting plan, if exterior lighting is either proposed or required;*
 - 6. a drainage plan and report;*
 - 7. a grading and erosion control plan;*
 - 8. a parking plan;*
 - 9. a public improvements plan;*
 - 10. a visibility impact analysis;*
 - 11. a traffic study and plan;
 - 12. a geologic hazards plan and report;
 - 13. an environmental impact statement; and
 - 14. a parks, trails and open space report.

If, in the opinion of the Planning staff, additional, detailed technical studies/data are needed due to the scale, location or impact of the proposed development, Planning staff may require the submission of such additional studies/data. The planning department may require that an independent, outside consultant may be retained, at the applicant's expense, to perform the required studies and/or review such studies when performed by the applicant.

3. PRE-SUBMITTAL MEETING. Prior to submittal of the MDP, the applicant shall attend a pre-submittal meeting with City planning staff to review the submittal requirements and procedures, unless the Planning Director or designate waives the pre-submittal meeting in writing. The applicant at the pre-submittal meeting shall provide the following:

- a. existing zoning and use of the site and adjacent zoning and land uses
- b. conceptual site layout
- c. existing and proposed access locations
- d. existing contours and proposed grades (FIMS data may be used)

- e. vicinity map
- f. conceptual building exterior elevations

If any of the MDP submittal or pre-submittal material has been previously submitted as part of the subdivision procedure under the City Subdivision Regulation Regulations, the items so submitted may be deleted from the list by planning staff. Planning staff shall determine the final MDP submittal requirements and so notify the applicant in writing.

4. SUBMITTAL REQUIREMENTS. The Major Development Plan shall conform to the submittal requirements of this section and in Appendix IV unless otherwise waived by the Planning staff. The MDP shall be submitted in one (1) 11" X 17" reproducible copy and five (5) 24"x 36" copies unless more copies are required and requested by staff. Upon submittal of the MDP, staff shall determine the adequacy of the submittal and set the MDP for Planning Commission review. The application shall be accompanied by a fee as set by the Fee Schedule, as amended, to cover the costs of staff review, investigation and advertising.

5. NOTICE. Notice shall be given, by the City, in the local newspaper of the request for approval of a MDP, at least 10 days prior to the hearing on the request. Notice shall include a location map indicating the location of the proposal and a brief summary of the proposed use. Notice of public hearing will also be provided on-site in conformance with the above standards.

6. STAFF REVIEW AND RECOMMENDATION. After receipt of the MDP application, staff shall review the application using the criteria contained in this section and Appendix IV and make a recommendation to the Planning Commission to:

- recommend approval
- recommend approval with conditions

- recommend postponement to a future Planning Commission meeting to receive and review additional information from the applicant or from referral agencies, or
- recommend denial identifying revisions necessary to enable staff to recommend approval.

7. Planning permission shall be requested in writing well in advance of the Planning Commission meeting and in accordance with the Planning Commission Submittal and Meeting schedule published annually by the Planning Department. Submitted materials are reviewed by the Planning Department for completeness and, if found substantially so, placed on the Planning Commission agenda for public hearing approximately 60 days from the date of submittal.

8. APPROVAL CRITERIA. The Major Development Plan may be recommended for approval by the Planning Commission and approved by the City Council subject to the following conditions:

- a. The MDP shall be in compliance with the Manitou Springs Comprehensive Plan.
- b. The MDP shall be in compliance with the water, sewer and fire protection requirements detailed in the Manitou Springs Municipal Code.
- c. The MDP shall be in compliance with City roadway design and construction standards, as revised.
- d. The MDP shall be in compliance with the criteria in this section, Appendix IV and these regulations.
- e. The MDP shall be in compliance with all requirements of the Subdivision Regulations (Title 16, Subdivisions).
- f. Any development-related fees due on the affected property shall be paid unless the requirement is waived by City Council for good cause shown.
- g. The MDP Plan shall be prepared in accordance with generally accepted professional standards.

VI.3.d Upon approval of the development by the City Council, the plan shall be filed with the Planning Commission, the Regional Building Department, and the City Clerk. The developer may then proceed with the development.

VI.4 FAILURE TO START DEVELOPMENT

If no building permit is issued on a Major Development within twelve (12) months after planning permission has been granted by the City Council then that permission will lapse, unless good cause can be shown to the Council, after review and recommendation by the Planning Commission that the permission should not lapse. In the event that good cause is shown, the permission may be extended for one, six (6) month period.

If no building permit is issued on a Minor Development within six (6) months after planning permission has been granted by the City Council then that permission will lapse, unless good cause can be shown to the Council after review and recommendation by the Planning Commission, that the permission should not lapse. In the event that good cause is shown, the permission may be extended for up to one, three (3) month period.

VI.5 MINOR MODIFICATIONS

If, after planning permission has been received, it becomes necessary to modify the approved plan, minor modifications may be approved or disapproved by the City Manager.

Minor modifications include:

- Any change in residential density on up to 1%
- Any change in commercial or industrial floor space of up to 3%
- Any change in the amount of open space up to 1%
- Any change in the amount of land area covered by structures of up to 2%
- Minor changes in the location of streets and utilities.